



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

January 9, 2008

Daniel Grabauskas, General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza, Suite 3910
Boston, MA 02116

Re: Clean Air Act Reporting Requirement, Docket No. AAA-08-0016

Dear Mr. Grabauskas:

The United States Environmental Protection Agency ("EPA") is evaluating whether the Massachusetts Bay Transportation Authority ("MBTA") is in compliance with the Clean Air Act ("the Act") and state and federal regulations promulgated under the Act. The regulations include the federally enforceable sections of the Massachusetts State Implementation Plan ("SIP") regulations found at 310 CMR 7.00 et. seq. Specifically, EPA is evaluating whether the MBTA is in compliance with 310 CMR 7.11. The relevant portion of this regulation prohibits the idling of a diesel locomotive for 30 minutes with an exception for service for which engine idling is essential (see text of regulation below).

11.2 Diesel Trains.

11.2.1 No person owning or operating a diesel powered locomotive shall cause, suffer, allow, or permit said locomotive to be operated in a manner such as to cause or contribute to a condition of air pollution.

11.2.2 No person shall cause, suffer, allow, or permit the unnecessary foreseeable idling of a diesel locomotive for a continuous period of time longer than thirty minutes. This regulation shall not apply to diesel locomotives being serviced provided that idling is essential to the proper repair of said locomotive and that such idling does not cause or contribute to a condition of air pollution.

Section 114(a)(1) of the Act, 42 U.S.C. 7414(a)(1), authorizes EPA to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine compliance with the Act or any SIP. Therefore, the MBTA is required to:

1. Provide the following information about operations at the MBTA commuter rail yard located in Scituate, MA at the Greenbush commuter rail station, for the period between the January 15, 2008 and July 15, 2008. The MBTA must submit this information to EPA every month on the 15th of the month beginning February 15, 2008. If possible

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provide the information in an electronic spreadsheet format.

- a. Each day provide a list of all locomotives, by engine number or other identification system customarily used by the MBTA, that are parked overnight near the Greenbush commuter rail station.
 - b. Identify all periods when each locomotive identified in response to question #1 was idling for at least 30 minutes (i.e., the locomotive engine was running, but the locomotive was not moving). Within each period:
 - i. identify any period of service for which the idling was essential for the repair of the locomotive and provide a detailed description of the service;
 - ii. identify any period of service for which the idling was not essential for the repair of the locomotive and provide a detailed description of the service;
 - iii. identify any other reason for the idling (e.g. to maintain brake pressure or to reach operating temperature) and provide a detailed description of the reason(s).
 - c. If the locomotive engines are equipped with data loggers that track the operation of the engine, including periods of idling, indicate the specific type of information the data loggers record and provide copies of that data.
 - d. Describe any devices at the Greenbush stop that could be used to provide alternative sources of power to the locomotives on the tracks; for example, the electrical devices known as "plug-ins." Indicate the number of devices that are available for use at the stop and explain how and when they are used.
2. Provide the address of the location (including longitude and latitude coordinates) of all MBTA commuter rail stations where locomotives are parked overnight. Also, for the stations with locomotives parked overnight, indicate the approximate number of locomotives that are parked overnight at each station.

Be aware that if the MBTA does not provide the requested information, EPA may order the MBTA to comply and may assess monetary penalties under Section 113 of the Act, 42 U.S.C. § 7413. Federal law also establishes criminal penalties for providing false information to EPA. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act.

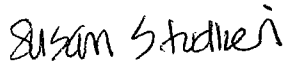
The MBTA may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to the MBTA. Please be aware that the Commonwealth of Massachusetts may have different rules and regulations governing the protection of confidential business information.

You are required to submit the above-required information to:

Susan Studlien, Director
Office of Environmental Stewardship (Mail Code SAA)
U.S. Environmental Protection Agency, Region I
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023
Attn: Christine Sansevero, Air Technical Unit

If you have any questions about this reporting requirement, please contact Christine Sansevero, Environmental Engineer, at (617) 918-1699, or have legal counsel contact Thomas T. Olivier, Senior Enforcement Counsel, at (617) 918-1737, within seven days of receipt of this document.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA Region 1

Cc: Gregg Hunt, MassDEP, Southeast Region
Nancy Seidman, MassDEP, Boston Office
Janis O. Kearney, MBTA